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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

15 In re:) Case No.: 12-56050 SLJ
16)
17 Auto Care Mall of Fremont, Inc.,) Chapter 11
18)
19 Debtor.) Date: April 4, 2013
20) Time: 10:00 a.m.
21) Place: 280 South First Street, Courtroom 3099
22) San Jose, CA
23)
24) Judge: Hon. Stephen L. Johnson

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**DECLARATION OF DANIEL DUC IN SUPPORT OF
MOTION TO DISMISS BANKRUPTCY CASE AND
FOR MISCELLANEOUS RELIEF**

1 I, Daniel Duc, hereby declare as follows:

2 1. I incorporated and am one of the principal shareholders of Auto Care Mall of
3 Fremont, Inc. ("Debtor") and in that capacity I have personal knowledge of the facts set forth in this
4 Declaration and if called upon to testify, I would and could competently testify to the following:

5 2. This Declaration is filed in support of the Motion to Dismiss Bankruptcy Case and
6 for Miscellaneous Relief (the "Dismissal Motion").

7 3. In January 2013, the Debtor undertook measures to resolve the financial problems
8 precipitating the Debtor's Chapter 11 case, including the following:

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- Pursuant to a Court approved settlement, the Debtor secured the release of the
liens against the Debtor's real property in favor BofA secured indebtedness in
excess of \$3.5 million. I funded this settlement from non-estate assets.
- On January 24, 2013, I made a further substantial cash advance from non-estate

1 assets to enable the Debtor to pay approximately \$795,940.25 to BofM and the
2 Alameda County Tax Collector to effect a complete reinstatement of the BofM
3 loans.

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- 5 On or about January 28, 2013, the Receiver turned over to the Debtor
6 management and possession of the Debtor's real property. Following turnover of
7 the real property, the Receiver has retained possession and control over
8 approximately \$82,000 in rent and CAM receipts received during the
9 receivership. I am informed and believe that the Receiver is submitting a final
10 accounting and report to the Alameda County Superior Court, and I anticipate
11 that the Receiver will turn over to the Debtor in excess of \$50,000 in rent receipts
upon approval of the final accounting and report.

12 4. As a result of my additional advances, the Debtor has at this juncture successfully
13 resolved its financial difficulties and is in a position to proceed to dismiss its Chapter 11 case
14 conditioned upon payment of its minimal administrative and unsecured liabilities.

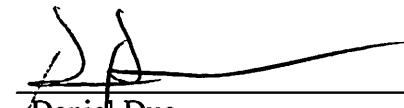
15 5. I am informed and believe that the allowable prepetition claims against the Debtor
16 are unsecured and are set forth below:

Creditor	Claim Amount
A-Best Tree Service	\$1,150.00
Alameda County Water District	\$420.00
Allied Waste	\$2,450.00
AT&T	\$70.00
Have Dump Will Travel	\$220.00
Pacific Bell	\$1,900.00
PG&E	\$170.00
Protection One	\$270.00
Travelers Ins	\$830.00
TOTAL:	\$7,480.00

23 6. I believe that the funds which the Debtor will receive back from the Receiver will be
24 more than adequate to effect a full repayment of all of these amounts.

1 I declare that the foregoing is true and correct under penalty of perjury under the laws of the
2 United States. Executed this 14th day of March, 2013 at San Jose, California.

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/Daniel Duc